

REMARKS

Claims 1 through 18 are pending in this application. The specification has been amended to address informalities noted by the Examiner. In addition, claims 1, 11 and 14 have been amended, consistent with the Examiner's suggestions. Care has been exercised to avoid the introduction of new matter. Indeed, adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure noting, for example, original claim 17 with respect to the amendment of paragraph [24]. Applicants further note that most of the amendments come at the suggestion of the Examiner. Applicants submit that the present Amendment does not generate any new matter issue.

Drawing objection.

The Examiner objected to Fig. 1 noting that reference character "11", apparently intended to denote a barrier layer, was not discussed in the specification. The Examiner courteously suggested amending the specification at page 3, line 3, after "dielectric layer 10,". In response the specification has been amended consistent with the Examiner's courteous suggestion, thereby overcoming the stated basis for the drawing objection. Accordingly, withdrawal of the drawing objection is solicited.

Objection to the disclosure.

The Examiner objected to the disclosure identifying various typographical oversights and informalities. This objection is traversed. In response, the specification has been amended to address each of the issues raised by the Examiner, thereby overcoming the stated bases for the

objections to the disclosure. Accordingly, withdrawal of the objections to their disclosure is solicited.

Claim objections.

The Examiner objected to claims 11 and 14 identifying perceived informalities and courteously suggesting remedial language. In response, claims 11 and 14 have been amended consistent with the Examiner's courteous suggestions, thereby overcoming the bases for the claim objections. Accordingly, withdrawal of the claim objections is solicited.

Claims 1 through 18 were rejected under the second paragraph of 35 U.S.C. § 112.

In the statement of the rejection the Examiner asserted that the claims are indefinite and in not clearly reciting that annealing is conducted before the opening is filled. The Examiner courteously suggested remedial language. This rejection is traversed. Specifically, independent claim 1 has been amended in a manner consistent with the Examiner's courteous suggestion, thereby overcoming the stated basis for the rejection. Accordingly, withdrawal of the rejection of claims 1 through 18 under the second paragraph 35 U.S.C. § 112 is solicited.

Claims 1 through 18 were rejected on the grounds of double patenting of the obviousness type over claims 1 through 19 of U.S. Patent No. 6,506,668 (the '668 Patent).


This rejection is traversed. In response Applicants submit herewith a Terminal Disclaimer with respect to the '668 Patent (Exhibit A), thereby overcoming the stated basis for the rejection. Accordingly, withdrawal of the rejection of claims 1 through 18 on the ground of double patenting of the obviousness type over claims 1 through 19 of the '668 Patent is solicited.

Based upon the foregoing it should be apparent that the imposed objections and rejections have been overcome, and that all pending claims are in condition for immediate allowance. Favorable consideration is, therefore, solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Arthur J. Steiner
Registration No. 26,106

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 AJS:as:ntb
Facsimile: 202.756.8087
Date: June 29, 2005

**Please recognize our Customer No. 20277
as our correspondence address.**